

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ACTUS, LLC,

Plaintiff,

v.

BANK OF AMERICA CORP., et al.

Defendants.

CIVIL ACTION NO. 2:09-cv-102-TJW

JURY TRIAL DEMANDED

STIPULATED MOTION FOR DISMISSAL WITH PREJUDICE

The plaintiff, Actus LLC and defendant Obopay, Inc., pursuant to Fed. R. Civ. P. 41(a)(2) and (c), hereby move for an order dismissing all claims in this action WITH PREJUDICE and dismissing all counterclaims as MOOT, subject to the terms of that certain agreement entitled “SETTLEMENT AND LICENSE AGREEMENT” and dated August 14, 2009, with each party to bear its own costs, expenses and attorneys fees.

Dated: August 25, 2009

Respectfully Submitted,

OBOPAY, INC.

ACTUS, LLC

By: /s/ Jose Villareal

By: /s/ William E. "Bo" Davis, III

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**ATTORNEYS FOR DEFENDANT
OBOPAY, INC.**

**ATTORNEY FOR PLAINTIFF
ACTUS, LLC**

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic served were served with a true and correct copy of the foregoing by email, on this the 25th day of August, 2009.

/s/ William E. "Bo" Davis, III
William E. "Bo" Davis, III